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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,056	01/14/2002	Jason Meyer	76867/20092	3511

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EXAMINER

MENDOZA, ROBERT J

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 04/18/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/047,056	MEYER, JASON	
	Examiner	Art Unit	
	Robert J Mendoza	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3713

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

Claims 3-7 and 12-16 are objected to because of the following informalities: the phrase "configuration of to the symbols" should read, "configuration of the symbols". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the randomly selected symbols" in line 6. There is insufficient antecedent basis for this limitation in the claim. Consistency in utilizing phrases is preferred for clarity; the limitation is referring to the phrase, "symbols selected randomly" in line 2.

Claim 10 recites the limitation " the randomly selected symbols" in line 5. There is insufficient antecedent basis for this limitation in the claim. Consistency in utilizing phrases is preferred for clarity; the limitation is referring to the phrase, "symbols selected randomly" in line 2.

Claim 1 recites the limitation "the groups" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation " the groups" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "wager" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "wager" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Jaffe et al. (USPN 6, 517,432).

Regarding claims 1-3, 8-12 and 17, Jaffe discloses a gaming system comprising means adapted to display an array of symbols selected randomly from a set of symbols, means adapted to pay winnings on any predetermined winning combinations appearing in a portion of the array carrying a bet wherein the randomly selected symbols are divided into groups of at least one such that the groups are sequentially positioned to complete the array by illustrating in FIG. 1 and disclosing in col. 1:56-67 & col. 2:1-6, a gaming machine comprises a visual display and a game

Art Unit: 3713

of chance shown on the display. In connection with the game of chance, the visual display shows an array of symbols in visual association with at least one pay line. The array includes a special symbol and a stop-game symbol. The game of chance includes a plurality of game rounds.

During each of the game rounds the special symbol and the stop-game symbol randomly move to and stop at new respective positions on the array. The game of chance awards a payout during the round if the symbols along the pay line correspond to a winning game outcome. The game of chance ends in response to the new respective positions on the array during one of the game rounds being the same position. The array optionally includes a second special symbol that, during certain ones of the game rounds, also moves to and stops at a new position on the array.

In determining whether to award a payout, the array positions containing the special symbols are preferably evaluated as wilds. Jaffe discloses groups having at least two adjacent symbols, and the number and configurations of the symbols in each of the groups are randomly selected and

the groups are sequentially positioned in the incomplete array until the array is complete, where after predetermined wildcards symbols are positioned in the remaining portions to complete the array by disclosing in col. 3:52-59 & col. 1:61-66, the CPU 16 uses a random number generator to select a game outcome (e.g., "basic" game outcome) corresponding to a particular set of reel "stop positions." The CPU 16 then causes each of the video reels 30-34 to stop at the appropriate stop position. Video symbols are displayed on the reels 30-34 to graphically illustrate the reel stop positions and indicate whether the stop positions of the reels represent a winning game outcome. . The game of chance includes a plurality of game rounds. During each of the game rounds the special symbol and the stop-game symbol randomly move to and stop at new respective positions on the array. The game of chance awards a payout during the round if the

Art Unit: 3713

symbols along the pay line correspond to a winning game outcome. Jaffe discloses the symbols are displayed on simulated three-dimensional objects by illustrating in FIG. 1, element 12.

Regarding claims 4-7, 13-16 and 18, Jaffe discloses at least one position in the array is designated as having an associated bonus wherein the associated bonus is awarded in any winning combinations which include a symbol situated on any of the designated positions, and the bonuses associated with the designated positions include a set number of free games whereby the machine operates without requiring the placement of a wager by disclosing in col. 4:50-58, included among the plurality of basic game outcomes are a plurality of different start-bonus outcomes for starting play of a bonus game. A start-bonus outcome may be defined in any number of ways. For example, a start-bonus outcome occurs when a special start-bonus symbol or a special combination of symbols appears on one or more of the reels 30-34 in any predetermined display position. The appearance of a start-bonus outcome causes the processor to shift operation from the basic game to a bonus game. Jaffe discloses at least one of the groups consists entirely of wildcards, and the wild cards multiply the winnings associated with any of the winning combinations in which they appear by a factor greater than one by disclosing in col. 5:43-67 & col. 6:1-3, During each subsequent bonus round, the CPU randomly selects a destination position for the primary stalker symbol 62 and then randomly selects a destination position for POLICEMAN symbol 64 from among the remaining array positions. The stalker stops at its destination position and hides behind the reel symbol already present at that position. The CPU then evaluates the symbol array for any winning combinations along an active pay line that contain the primary stalker symbol 62 in the combination. The array position containing the primary stalker symbol 62 and the original position of the stalker symbol on the reel 30 serve

Art Unit: 3713

as wilds during this evaluation. In the example shown in FIGS. 7 and 8, the primary streaker symbol 62 generates the winning combination STRAWBERRY, STRAWBERRY, STRAWBERRY along the pay line 44, where the third STRAWBERRY results from the ORANGE symbol being evaluated as a wild due to the primary streaker symbol 62. According to the pay table, this winning combination generates a bonus game payout of 7 coins multiplied by the line bet if the pay line 44 is active. In the example shown in FIGS. 9 and 10, the primary streaker symbol 62 generates the winning combination HOT DOG STAND, HOT DOG STAND, HOT DOG STAND along the pay line 46, where the first HOT DOG STAND results from the BENCH symbol being evaluated as a wild due to the primary streaker symbol 62. According to the pay table, this winning combination generates a bonus game payout of 30 coins multiplied by the line bet if the pay line 46 is active.

Art Unit: 3713

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to gaming system communication:

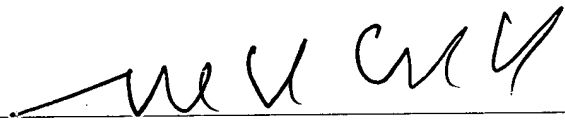
USPN 6,322,445 Miller discloses a multi-line poker game.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Martin-Wallace, can be reached at (703) 308-1148.

RM

RM
April 14, 2003



**MICHAEL O'NEILL
PRIMARY EXAMINER**